

CHARTER

OF THE

# City of Annapolis

ANNE ARUNDEL COUNTY, MARYLAND

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# ANNAPOLIS

## PREAMBLE

We, the people of the City of Annapolis, County of Anne Arundel, State of Maryland, in exercise of the ancient right to organize, maintain and perpetuate a municipal form of self-government, and to provide an orderly execution of municipal functions, to ensure accountability for public funds, to promote the general welfare, and to secure the benefits of home rule in accordance with the Constitution and laws of the State of Maryland, do re-adopt, ratify, ordain and establish as our Charter and form of government this

## ARTICLE I General Provisions

### Section 1.

The Mayor and Aldermen of the City of Annapolis constitutes a municipal body corporate and politic.

The City has all the rights and powers of municipal self-government and home rule as are now or hereafter may be provided or necessarily implied by this Charter and the Constitution and laws of the State of Maryland.

### Section 2. Exercise of general powers.

The power of the City shall be exercised solely by the Mayor, the City Council, the Commissions, Boards, and Committees and by the officers, agents and employees of the City acting under and by virtue of their respective authority as provided by law. (Res. No. CA-03-10 Revised, 6-15-10.)

### Section 3. Declaration of principles. (see Note 4)

The making of policy is a matter for elected officials, the Mayor and aldermen/alderwomen, who are directly accountable to the voters. Appointed officials who are trained and experienced in public administration carry out or implement policy. The City's chief executive officer carries out the implementation of policy with elected and appointed officials in federal, state, and local agencies, and experienced professionals. (Res. No. CA-03-10 Revised, 6-15-10.)

### Section 4.

The name and style of the municipal corporation is "City of Annapolis" and may also be referred to in this Charter and in the laws of the City as either "Annapolis" or the "City". The municipal corporation shall be designated solely by the name of "City of Annapolis" in all

actions and proceedings touching the rights, powers, property, assets, liabilities and duties of the corporation in general or any of its agencies or officials in particular. The words “mayor, counselor and aldermen of the City of Annapolis” and “Mayor and Aldermen of the City of Annapolis” shall be read and mean “City of Annapolis” wherever they appear. (Res. No. CA-1-85, 4-2-85.)

#### Section 5.

The boundaries of the City of Annapolis shall be by metes and bounds description as certified by the Public Works Director and adopted by ordinance. The metes and bound [bounds] description shall be printed as an appendix to the City Code. The boundaries shall be available to the public in text or map form at fees established by ordinance. Until changed or re-adopted by the City Council, the boundaries of the City are the same as prior to the adoption of this Charter. (Res. No. 56-94, 4-23-97.)

## **ARTICLE II**

### **Election of Mayor and Aldermen**

#### Section 1.

The City shall be divided by ordinance into eight wards of approximately equal population. One or more additional wards of the City may be established by ordinance if additional territory is annexed to the City as provided in Article III, Section 4 of this Charter.

#### Section 2.

The citizens and residents of the City of Annapolis qualified to vote for members of the General Assembly of Maryland, and otherwise qualified by the registration and election laws for such cases made and provided, shall elect by ballot every four years, beginning in 1985, on the first Tuesday after the first Monday in November, a mayor; and the qualified voters, in each ward shall at the same time elect by ballot one resident of the ward as alderman.

#### Section 3. Terms; qualifications for office.

(a) The mayor and aldermen shall each serve terms of four (4) years, or until their successors are elected and qualified. The beginning and ending of each term is as prescribed in Article II, Section 5 of this Charter.

(b) The mayor must be a registered voter in the City for at least two (2) years immediately preceding the date of the general election. A person may not hold office as mayor for more than two (2) full consecutive terms to which elected in the manner provided by Article II, Section 5 of this Charter.

(c) Aldermen, except those first elected from areas annexed to the City, shall be registered voters in the City for at least one (1) year immediately preceding their election and a



registered voter in the ward from which they are elected for at least six months and must have resided in that ward for at least six (6) months immediately preceding the date of the general election. (Res. No. CA-1-86, 10-28-86; Res. No. CA-6-94, 1-3-95; Res. No. CA-01-09, 4-28-09.)

#### Section 4.

(a) The mayor and each alderman shall receive a salary as established by ordinance of the City Council in accordance with procedures established in subsection (b) below. The mayor and aldermen shall be allowed such amounts for expenses as established by ordinance.

(b) (1) Not later than one (1) year prior to the date of any general municipal election for the election of mayor and aldermen, the City Council shall appoint a commission consisting of not less than three (3) nor more than seven (7) residents of the City to review the compensation and allowances to be paid to the mayor and aldermen during the ensuing terms of office.

(2) The commission, by resolution, shall submit its recommendations for compensation and allowances to the city council not later than nine (9) month [months] prior to the date of the next general municipal election. The commission may recommend an increase or decrease in the compensation paid to the mayor and aldermen.

(3) Upon receiving the resolution of the commission, the City Council shall conduct a public hearing regarding the commission's recommendation. Thereafter, the City Council may reduce or reject the commission's recommendation, but it may not increase any item in the resolution. The recommendations contained in the resolution, and any permitted changes to such recommendations, shall not become effective unless adopted by ordinance enacted at least three (3) months prior to the elections of the next succeeding mayor and aldermen, and shall take effect only for the next succeeding terms of office of the mayor and aldermen.

(4) The salaries specified at the time a mayor and aldermen take office may not be changed during that period for which the mayor and aldermen were elected. (Res. No. CA-1-01, 7-31-01.)

#### Section 5. Primary election dates; municipal election dates; term dates.

Nomination for a mayor and for one (1) alderman from each ward in the City shall be made by direct vote of the respective political parties at primary elections to be held in the City for the several candidates for mayor and, in each ward of the City, for the several candidates for aldermen, on the third Tuesday of September in each year in which municipal elections in the City are to be held. Municipal elections shall be held on the first Tuesday after the first Monday in November in every fourth year, beginning with the year 1985. However, in the event an election will occur on the same day as the public observance of a religious holiday, or in case of severe weather, the Board of Supervisors of Elections shall have the authority to reschedule the election to a day within one week of the day prescribed by this section. The mayor and aldermen

elected at each municipal election shall qualify in the manner prescribed by Article II, Section 3 of this Charter, and shall take office on the first Monday in December of the year in which they are elected and shall hold office until the first Monday in December in the fourth year following, or until their successors are elected and qualify. (Res. No. CA-3-98, 11-3-98; Res. No. CA-02-07, 8-5-08; Res. No. CA-01-09, 4-28-09.)

#### Section 6. Board of supervisors of elections.

(a) There is a board of supervisors of elections of the City of Annapolis, consisting of three (3) residents in and voters of the City, two (2) of whom shall always be selected from the leading political parties of the State, one (1) from each of such parties. The third member may be selected from either of the leading political parties of the state or from any other political party. The members shall be persons of approved integrity and capacity, and may not hold elective office, nor be candidates for elective office during their terms of office. Members shall serve without compensation.

(b) Members of the Board of Supervisors of Elections shall be appointed by the City Council for a term that begins on the second Monday of March following the General City Election in the preceding November and ends four years later on the second Monday in March. In the event of a vacancy, the City Council shall immediately fill the vacancy only for the remainder of the four year term. A member must be reappointed for a new term in order to serve beyond any four year term. A chair of the Board of Supervisors of Elections shall be chosen annually by its members.

(c) Before appointing any supervisors of election, the City Council shall request the City Central Committees representing the two (2) leading political parties of the State in the City each to designate at least four (4) eligible candidates for the position to be filled, by the second Monday in March. If a City Central Committee fails to nominate the required number of candidates as provided herein, the mayor shall submit a list of nominees to the City Council in addition to the Central Committee's list by the first Monday in April. The City Council shall appoint the supervisors by the second Monday in April. (Res. No. CA-7-94, 4-4-95; Res. No. CA-1-03, 4-29-03; Res. No. CA-02-07, 8-5-08.)

#### Section 7.

(a) The following procedure for the filling of vacancies shall apply whenever a vacancy shall occur with less than fifteen months remaining until the next general election at which members of the City Council shall be elected.

(1) In case of the death, resignation, refusal to serve, disqualification of the mayor or of any alderman, or removal out of the City by the mayor, or out of the ward, by any alderman, the mayor or acting mayor shall give written notice of the vacancy, within five (5) business days, to the chairman of the City central committee of the political party to which the person vacating was registered with the Board of Supervisors of Elections at the time of election.

(2) Not more than five (5) business days after being notified by the mayor or acting mayor, the central committee shall announce the time and place of a public hearing to be held for the purpose of selecting candidates to fill the vacancy. Such announcement shall consist of, but not be limited to, a prominent notice in a local daily newspaper. The hearing shall be held not less than ten (10) business days, nor more than fifteen (15) business days, from the date the announcement first appears in the newspaper.

(3) Not less than five (5) business days before the hearing date, the central committee shall announce the qualified candidates of its political affiliation to be considered at the hearing. If an otherwise qualified person is not selected by the central committee, that person shall be considered at the hearing upon presentation of a petition, in the case of a vacancy in the office of alderman, signed by at least fifty (50) registered voters of the appropriate political party



who live in the affected ward. If the vacancy is in the office of mayor, the petition shall bear the signatures of at least two hundred fifty (250) registered voters of the appropriate political party, with not less than thirty (30) signatures being those of registered voters from each of the City's wards.

(4) At the hearing, each qualified candidate shall have an opportunity to address the central committee. After all candidates have been heard, the central committee shall select one candidate and the chairman of the committee shall notify the mayor or acting mayor, in writing, of the choice, not more than three (3) business days after the hearing.

(5) At the next regularly scheduled meeting of the City Council, or at a special session convened before then by the mayor or acting mayor for the purpose of filling the vacancy, the selected candidate shall be sworn in and seated immediately.

(6) If the person vacating office was not registered in a political party at the time of election, the City Council shall follow as closely as possible the candidate selection and election procedure above prescribed for a central committee to follow but without regard to the political affiliation of any candidate.

(b) The following procedure for the filling of vacancies shall apply whenever a vacancy shall occur with fifteen months or more remaining until the next general election at which members of the City Council shall be elected.

(1) In case of the death, resignation, refusal to serve, disqualification of the Mayor or of any alderman, or removal out of the city by the Mayor, or out of the ward by any alderman, the Mayor or acting Mayor shall issue a proclamation directing that a special primary election and a special general election be held to fill the vacancy. The Mayor or acting Mayor shall issue this proclamation within five (5) days after the vacancy occurs.

(2) The proclamation shall specify the date for the special primary election and special general election, provided that the special primary election shall be held on any weekday other than a State or religious holiday which is at least twenty-three (23) days but no longer than thirty (30) days from the date of the proclamation and that the special general election shall be held on any weekday other than a State or religious holiday which is at least twenty-one (21) days but no longer than thirty days from the date of the special primary election.

(3) Except as otherwise specifically provided, and except where such construction would be unreasonable, the provisions of this charter and of Title 4 of the Code of the City of Annapolis shall be applicable to the special elections provided for by this subsection and the City shall annually budget an amount for that purpose.

(4) Certificates of candidacy shall be filed with the office of the Board of Supervisors of Elections not later than 9:00 P.M. on the Monday which is three (3) weeks before the day on which the special primary election is scheduled to be conducted. If the filing date occurs on a legal holiday, the certificates shall be filed not later than 9:00 P.M. on the next regular business day which is not a legal holiday.

(5) The candidate who has been declared elected by the Board of Supervisors of Elections shall be sworn in and seated at the next regular or special meeting of the City Council following the special general election. (Res. No. CA-3-87, 5-3-88; Res. No. CA-3-94, 1-3-95.)

#### Section 8.

The City Council shall provide by ordinance for the registration of voters and the conduct of municipal elections, including provisions for the casting of ballots by absentee voters.

#### Section 9.

The citizens and residents of the City of Annapolis who are qualified voters shall have the right to recall and remove any elected official of the city from office. The right of recall shall be exercised in accordance with procedures established by the City Council by ordinance which shall address the requirements for the recall petition, the filing and certification of the petition, the provisions for conducting the special election, any limitation on the filing of repetitive petitions, any limitation seeking further office by an official who is the subject of a petition, and other appropriate requirements to effectuate the right of recall. (Res. No. CA-10-96, 3-4-97.)

### **ARTICLE III**

#### **Powers**

#### Section 1.

(a) The City of Annapolis shall have all the powers specified for exercise by municipalities or necessarily implied therefrom as granted under the Constitution and laws of the State of Maryland and of the United States of America, together with any and all powers inherent in the creation of municipalities.

(b) In addition to all powers granted to the City of Annapolis by this Charter or any other provision of law, the City may exercise any power or perform any function which is not now or hereafter denied to it by the Constitution of Maryland, this Charter, or any applicable law passed by the General Assembly of Maryland. The enumeration of powers and functions in this Charter or elsewhere shall not be deemed to limit the power and authority granted to the City by this Section.

#### Section 2.

In furtherance of the grant of powers to municipal corporations, and by way of non-exclusive enumeration of such powers, the City of Annapolis has the power to preserve the health of the City; to prevent and remove nuisances; to prevent the introduction of contagious diseases within the City; to establish night watches and patrols; to light the City; to establish new streets, lanes and alleys, and to widen, straighten, extend, stop up or discontinue any streets,

lanes and alleys; and when any street, lane or alley is opened, widened, straightened, extended, stopped up or discontinued by the operation, the full value of all property taken and used for such public street, lane or alley, or damages to be sustained in closing the same, shall be assessed by a jury of twelve (12) citizens, and the said full value, so assessed, shall be first paid or tendered to the proprietor of said property; and if in opening, widening, straightening or extending any street, lane, or alley in said City, any benefit shall thereby accrue to the owner or possessor of any ground or improvement, within or upon said street, lane or alley, for which such owner or possessor ought to pay a compensation, said benefits shall be assessed and paid by the owner or possessor in like manner as above provided; to erect and repair bridges; to pave, construct and keep in repair all necessary drains and sewers, and to pass all necessary regulations for the regulation, repair and preservation of the same; to regulate and fix the assize of bread; to provide for the appointment, and define the duties of City commissioner, police officers, market masters, gaugers, wood corders, harbor masters, hay weighers, coal weighers and inspectors, and all other officers whom they may create, and to define their duties and compensation; to provide for the safe-keeping of the standard of the weights and measures, fixed by congress, or by an act of the general assembly, and for regulating thereby all weights and measures used within the City; to regulate party walls and partition fences; to erect and regulate markets; to provide for licensing and regulating the sweeping and burning of chimneys, and fixing the rates thereof, and to prescribe the size of those to be built in the City; to establish and regulate fire wards and fire companies; to restrain or prohibit gaming; to license bowling saloons, bowling alleys, nine or ten pin alleys, billiard tables, rondo tables, bagatelle tables, or any other tables or devices, or structures of a similar kind; to license carriages of pleasure and burden, and to provide for licensing, regulating or restraining theatrical or other public amusements, within the limits of the City; to license hawkers, peddlers, traveling physicians, vendors of patent medicines or other articles, and their vehicles; to sink wells; to make and regulate pumps, water pipes, hydrants, water plugs, fountains, sewers, and so forth, in the streets, lanes and alleys of the City, and to pass laws to protect the same; to impose and appropriate fines, penalties and forfeitures for the breach of their by-laws and ordinances; to levy and collect taxes in accordance with this Charter; to pass ordinances for the prevention and extinguishment of fires, and for paving and keeping in repair the streets, lanes and alleys in said City; and in addition to the power aforesaid, to tax any particular part or district of the City for paving streets, lanes and alleys therein, or for constructing sewers, sinking wells, making pumps, water pipes, fountains, hydrants and water plugs therein, which, in their judgment, may appear for the benefit of such particular part or district, in a sum not exceeding one per centum on the assessable property in said particular part or district; and to make a new assessment of all the assessable property in said City, not exempt from taxation by the laws of this state, as often as they may deem the same necessary; to borrow money on the credit of the corporation in accordance with this Charter; to provide for taking up, fining or committing to the jail of Anne Arundel County, all vagrants, drunken, loose and disorderly persons, and such as have no visible means of support and livelihood and common disturbers of the peace, that may be found within the jurisdiction of the City; and the keeper of the said jail shall receive and safekeep all persons so committed, according to the tenor of the commitment; to cause a survey, as often as they may think necessary, of the City, its harbor, streets, lots and the additions thereto to be made; to establish and fix permanent boundaries and stones at such places as they may think necessary, with proper marks and devices thereon; to ascertain the lines of the City and the additions thereto; and the survey of the said City and additions thereto, and of the streets, lanes, alleys and harbor thereof, when made, shall be signed

by the mayor, and the seal of the corporation thereto affixed, and shall be deposited with the clerk of the corporation of the City, and received as evidence of the boundaries of the said City, and of the harbor, lots, streets, lanes and alleys therein; to declare and adjudge as nuisances any encroachments on the streets, lanes and alleys, and cause the same to be removed at the expense of the person offending; to lay off and divide the City into election districts, define their bounds and limits, and correct the same from time to time, so as to preserve as accurately as may be an equal number of inhabitants in each of said districts, and to designate places for taking the vote at all elections to be held in each of said districts; to prevent the running at large of dogs, and to impose an annual tax on the owners and keepers thereof in the City not exceeding five dollars; to restrain or prohibit the running at large of horses, cows, sheep, goats or other animals; to direct in what parts of the City buildings of wood shall not be erected; and to regulate the construction of the same; to pass ordinances for preserving order, securing persons and property from violence, danger or destruction; for protecting the public and City property, rights and privileges from waste or encroachment, and generally for promoting and securing the good government to the City.

### Section 3.

(a) Annexation of territory by the City of Annapolis shall be undertaken in accordance with the Constitution and laws of the State of Maryland. The City Council may adopt by ordinance standards governing the form and consideration of petitions for annexation submitted to the City.

(b) Whenever any area is annexed to the City of Annapolis the City of Annapolis may then exercise in such area all governmental and municipal powers vested in the City to the same extent and in the same manner as such powers are then exercised in the City and, upon such annexation becoming effective, all laws and ordinances then and thereafter in effect with respect to the City of Annapolis, shall apply to the annexed territory; provided, however, that, prior to any referendum on any such annexation, the City Council may adopt an ordinance or ordinances making special provisions for limited periods of time, not exceeding ten (10) years, with respect to the levy of municipal taxes and assessments and the rendition of municipal services in any such annexed area. The City may also enter into appropriate agreements with any other political subdivision, agency or department of the State of Maryland or of the United States for the transfer to the City, with or without consideration, of any public property in the area or areas to be annexed and for the assumption by the City of the payment of any public indebtedness for which any such area or areas are primarily liable. (Res. No. CA-2-95, 10-31-95.)

(c) (1) Prior to any referendum on a proposed annexation, and upon condition that the annexation is approved, the City Council shall provide by ordinance for the inclusion of the area or areas to be annexed in any of the existing wards of the City or for the establishment of said area or areas as a new ward or wards, or for the change in the lines of the existing wards so as to form larger wards of the same number, in some or all of which the annexed area or areas shall be a part or parts.

(2) Each new ward so formed shall be represented by one alderman of the same status as the present aldermen of the City of Annapolis, who shall be elected at the same



election at which the questions of annexation is [are] referred, and any such alderman or aldermen so elected shall hold office until the expiration of the terms of the aldermen of the City of Annapolis in office at the time of such election. A person may not be elected an alderman for any new ward of the City so established unless having resided in the area included in the new ward for a period of at least one year immediately preceding his election and unless also having been a qualified voter of Anne Arundel County, registered in the area for at least one year immediately preceding the election. A person so elected as an alderman may not qualify and take office unless the proposed annexation of the area in which the persons resides is approved in the manner prescribed by law.

(d) Following an annexation, the City Council shall enact in the manner prescribed by law appropriate ordinances and amendments of this Charter, changing the boundaries of the City and increasing the number of the wards of the City, if any such increase was provided by ordinance as above provided.

#### Section 4.

The City may exercise the power of eminent domain in accordance with the Constitution and laws of the State of Maryland, subject to any supplemental procedures or requirements which may be established by the City Council by ordinance.

#### Section 5.

The City may cause sidewalks to be installed, regraded, repaved, repaired or otherwise improved. The City may also cause grass, trees and weeds bordering on or in the vicinity of sidewalks, streets and roadways to be cut. The City Council shall provide by ordinance for the execution of these powers, including notice, billing, and the imposition of a lien to secure payment.

#### Section 6.

The City may repair any private wharves belonging to persons who refuse, after two months notice, to repair the same, and may receive the wharfage of such wharves until such repairs are paid for, or until the owners thereof pay the same.

#### Section 7.

(a) The City may acquire by gift, grant, purchase or condemnation, any land, with any improvements thereon, either within or without the limits of the City, for parks, playgrounds or any other municipal purpose or use. The City Council may also enact ordinances relating to the use of such property.

(b) The City may sell any such land, or any parcel of land, including the improvements thereon, whether or not held in a governmental capacity, no longer needed by the City for any public use. The sale of property no longer needed for public use shall not be made until the sale is first approved by an ordinance. Every sale shall be made at public auction unless

a private sale is expressly authorized in the ordinance. The conveyance of the property shall be evidenced by a deed executed on behalf of the City by the mayor and a majority of the aldermen and the deed shall make express reference to the ordinance approving the sale by number and date of passage. The power conferred by this subsection applies to all property acquired by the City by gift, grant, purchase or condemnation, as well as all property acquired by and vested in the City by tax sales or otherwise. A finding in the ordinance approving a sale that the property so sold is no longer needed for public use is conclusive.

#### Section 8.

The City Council, by ordinance, may authorize the lease of any of the land, or the improvements thereon, owned by the City, to any person on a month to month basis or for fixed terms, and at such rentals, payable at such fixed intervals as may be prescribed in the ordinance authorizing the lease. The ordinance shall expressly find that the property to be leased is not needed by the City for public use, or that the lease of the property will better serve the public need for which the property was acquired, or another public need. This finding, in either case, shall be conclusive. The lease shall make specific reference to the ordinance authorizing the same. The City Council, by ordinance, may authorize the mayor to negotiate such lease on the best terms obtainable, or may require that competitive bids for the right to lease any property shall be solicited by public advertisement in such form as the ordinance prescribes.

#### Section 9.

The City may acquire by purchase, condemnation, gift, or grant, for the purposes of a public cemetery or cemeteries for the City, so much land, either within or without the limits of the City, as the City Council considers necessary. The City Council may also make such ordinances, by-laws, rules or regulations relating to the same and to public cemeteries belonging to the City or within its limits as the City Council may deem right and proper.

#### Section 10.

The City Council may provide by ordinance a procedure for the opening or excavation of any sidewalk, street, alley, or public square of the City by any person, and may also provide by ordinance for the enforcement of this Section.

#### Section 11.

The City may provide by ordinance for the licensing and promulgation of regulations for the operation of taxicabs and other public conveyances and for the registration and establishing requirements for the owners and operators of taxicabs and other public conveyances to protect the health, safety and general welfare of the City and riders of taxicabs and other public conveyances.

Section 12.

The City of Annapolis may exercise the following powers with regard to a water production and distribution system.

(1) To own, construct, reconstruct, operate, repair, improve, alter, enlarge and maintain, both within and outside the corporate limits of the City, a complete and adequate water production and distribution system, including, without limiting the generality of the foregoing, pipes, mains, lines, wells, pumps and pumping stations, meters, filters, reservoirs, purification systems and plants, fire hydrants and other necessary or appurtenant facilities.

(2) To acquire by purchase, or by condemnation, and to lease, hold, acquire, use and possess such lands, easements, water rights, powers and privileges, tenements and hereditaments, goods and chattels as may be necessary or appropriate to the exercise of the powers conferred to by this Section.

(3) To sell at public or private sale, or otherwise dispose or discontinue the use of any part or parts of the water production and distribution system no longer needed by the City for the efficient operation and maintenance thereof.

(4) To acquire by purchase or by condemnation any private system of water supply, production or distribution and to connect that system with the system of the City, or to abandon or discontinue use of the same, as in the judgment of the City may seem best.

(5) To acquire by condemnation for said water production and distribution system any property, right or interest, including any leasehold interest or any building, structure, water way, water right or watershed belonging to any person or corporation, whether or not such corporation be public or private and whether such property, right or interest be impressed with a prior public or quasi-public use.

(6) To exercise all powers reasonable and necessary for the efficient management and operation of the water production and distribution system.

(7) To cause surveys, plans, specifications and estimates to be made with respect to all or part of the system, or with respect to any proposed extension or enlargement thereof.

(8) To purchase water from any public or private source, if necessary to provide an adequate supply.

(9) To delegate to the Director of Public Works the administrative responsibility for the operation and maintenance of the water production and distribution system.

(10) To fix, alter or amend by ordinance reasonable charges for connections to the water distribution system and for the consumption of water, and to adopt a reasonable schedule of different charges for consumption, measured on a metered or flat rate basis or otherwise, such charges to [be] classified according to location in or outside the City, volume or type of use, or

both, or in accordance with some other reasonable method, provided all charges within each classification shall be uniform; and to provide by ordinance discounts for prompt payment of all such charges and to provide for enforcement of the collection of the charges by appropriate measures, including discontinuance of service after due notice and the imposition of a lien for unpaid charges on the property served.

(11) To prescribe by ordinance the conditions under which the City will construct extensions of its water lines to properties not served and the method or methods for financing the cost of any such extensions.

(12) To require that, if existing private fixtures, taps or faucets are unsatisfactory because of leakage or waste, new ones be installed, or repairs be made, and that all wells found to be polluted or a menace to health be abandoned and closed.

(13) To adopt rules and regulations necessary or appropriate to prevent the discoloration or pollution by any person or corporation of any water supplied or to be supplied by the City.

(14) To regulate, control or prohibit in the City any private system of water supply to prevent interference by that system with the system of the City or to prevent a menace to the public health.

(15) To regulate and control the construction or installation by any public service corporation or individual of any main, conduit, pipe or other structure in any public way in the City, and in any public way outside the City occupied by a part of the water production and distribution system of the City, to prevent any interference with the operation of the City's system, and to require all persons or corporations having mains, pipes, conduits or other structures in, on or over any such public ways which impede the establishment, construction or operation of the water production and distribution system of the City, upon reasonable notice, to remove or adjust the obstruction to the satisfaction of the City and, if necessary, to exercise powers of condemnation to remove any such obstruction.

(16) To enter upon or excavate in any public way of Anne Arundel County, Maryland for the purpose of installing, repairing or maintaining any equipment or performing any other things necessary to establish, operate and maintain the water production and distribution system. The City shall not obtain permits or pay charges for these actions, but shall notify the County of its intent to enter on the public way and shall leave the public way in a condition not inferior to that existing prior to the entry. The City shall comply with applicable laws of the State of Maryland when entering upon ways of the State.

(17) To delegate to any qualified employee or agent, while in the necessary pursuit of his official duties with regard to the water production or distribution system of the City, the right of entry at all reasonable hours, and after reasonable advance notice to the owner, tenant or person in possession, upon any private premises and into any building in the City or in those portions of the County served by the City's system.

(18) To contract with the United States of America, or any agency or tenant thereof, for the supplying of water by the City to any such agency or tenant and for the connection of the water production and distribution system of the City with the system or systems of any such agency or tenant.

(19) To provide for the enforcement of ordinances adopted pursuant to this Section.

Section 13.

The sanitary sewerage collection and disposal system of the City shall consist of the pipes, lines, mains, pumps, pumping stations, plants and facilities under the jurisdiction of the City which collect sanitary sewage in or adjacent to the City or treats sanitary sewage collected in the City, and the City may exercise the following powers with regard to the system:

(1) To own, construct, reconstruct, operate, repair, improve, alter, enlarge and maintain, both within and outside the corporate limits of the City, a complete and adequate sanitary sewerage system, including, without limiting the generality of the foregoing mains, pumps, treatment plants, and other necessary appurtenant facilities.

(2) To acquire by purchase or by condemnation, as herein provided, and to lease, hold, acquire, use and possess such lands, easements, powers and privileges, tenements and hereditaments, goods and chattels as may be necessary or appropriate to the exercise of the powers conferred by this Section.

(3) To sell at public or private sale, or otherwise dispose or discontinue the use of any part or parts of the sanitary sewerage system no longer needed by the City for the efficient operation and maintenance thereof.

(4) To acquire by purchase or by condemnation, as herein provided, any private sanitary sewerage system and to connect that system with the system of the City, or to abandon or discontinue use of the private system, as in the judgment of the City may seem best.

(5) To acquire by condemnation for the sanitary sewerage system any property, right or interest, including any leasehold interest or any building or structure belonging to any person or corporation, whether such corporation be public or private and whether or not such property, right or interest be impressed with a prior public or quasi-public use.

(6) To exercise all powers reasonable or necessary for the efficient management of the sanitary sewerage collection and treatment system.

(7) To cause surveys, plans, specifications and estimates to be made with respect to all or part of the sanitary sewerage system, or with respect to any proposed extension or enlargement thereof.

(8) To rent, lease or purchase any public or private system of sanitary sewerage collection and treatment, if necessary to the best interests of the City.

(9) To delegate to the Director of Public Works the administrative responsibility for the operation and maintenance of the sanitary sewerage collection and treatment system.

(10) To fix, alter, or amend by ordinance, reasonable charges for connection to the sanitary sewerage system and for the use of the system and to adopt a reasonable schedule of charges for usage, measured on a flat rate basis of water consumption or otherwise, such charges to be classified according to location, volume or type of use or both, or some other reasonable method, provided all charges within each classification shall be computed on a uniform rate; provided further, that the charge may be reduced by ordinance for persons sixty-five years of age or more whose total gross annual income from all sources is five thousand dollars or less; and to provide by ordinance discounts for prompt payment of all such charges and to provide for enforcement of the collection of the charges by appropriate measures, including the discontinuance of water and sewerage service after thirty days notice, and the imposition of a lien for unpaid charges on the property served.

(11) To prescribe by ordinance the conditions under which the City will construct extensions of its sewerage collection and treatment system to properties not served, and the method or methods for financing the cost of any such extensions.

(12) To require property owners to make connection to the sanitary sewerage system when the system is available to the property line of the property owner; and to further require abandonment of any private sanitary sewerage system in such a manner as to render such private system safe and sanitary in the opinion of the City; and to require replacement or repair of any private lines or fixtures deemed to be unsatisfactory to good health or safety standards; and to require the removal of any rain or storm water drains from the sanitary sewerage system.

(13) To regulate, control or prohibit in the City any private sanitary sewerage system to prevent interference by that system with the system of the City, or to prevent a menace to the public health.

(14) To regulate and control the construction or installation, by any public service corporation or individual, of any main, conduit pipe or other structure in any public way in the City and in any public way outside the City occupied by a part of the sanitary sewerage system of the City to prevent any interference with the operation of the system; and to require all persons or corporations having mains, pipes, conduits or other structures in, on or over any such public ways, which impede the establishment, construction or operation of the sanitary sewerage system of the City, upon reasonable notice, to remove or adjust the obstruction to the satisfaction of the City, and, if necessary, to exercise powers of condemnation to remove any such obstructions.

(15) To enter upon or excavate in any public way of Anne Arundel County, Maryland, for the purpose of installing, repairing or maintaining any equipment or performing any other action necessary to establish, operate or maintain the sanitary sewerage system. The City shall not obtain permits or pay charges for these actions, but shall notify the County of its intent to enter on the public way and shall leave the public way in a condition not inferior to that existing

prior to the entry. The City shall comply with applicable laws of the State of Maryland when entering upon the ways of the State.

(16) To delegate to any qualified employee or agent, while in the necessary pursuit of his official duties with regard to the sanitary sewerage system of the City, the right of entry at all reasonable hours and after reasonable advance notice to the owner, tenant or person in possession, upon any private premises and into any building in the City or in those portions of the County served by the City's system.

(17) To contract with the Unites [United] States of America, or any agency or tenant thereof, for the collection and disposal of sanitary sewage by the City for any such agency or tenant, and for the connection of the sanitary sewerage system of the City with the system or systems of any such agency or tenant.

(18) To enlarge, renew, repair, extend or in any way improve or modify the collection or plant facilities of the sanitary sewerage system.

(19) To provide for the enforcement of ordinances adopted pursuant to this Section.

#### Section 14.

The City may establish, by ordinance, a program of renewal, rehabilitation or redevelopment of blighted, deprived, or depressed areas. The City may exercise all powers reasonable and necessary for the fulfillment of the objectives of the program, including, but not limited to, the adoption and administration of a plan; the acquisition, use and disposition of property; the use of eminent domain; and the issuance of general obligation and revenue bonds. The City may also continue to exercise such powers as heretofore existed, reasonable and necessary for the fulfillment of such programs established prior to the adoption of this Charter. (See Appendix I)

#### Section 15.

The City, by ordinance, may license, tax, regulate, suppress, limit the number of, restrict to certain districts of the City and to certain hours, and prohibit peddlers, hucksters, hawkers and itinerant dealers and all other persons selling any articles, goods, wares, merchandise, food products or personal property of any nature on the streets, alleys and ways of the City, and to revoke such licenses for any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the City or their welfare or happiness.

#### Section 16.

The City may establish, by ordinance, an economic development program for the promotion, stabilization and protection of private sector enterprises and economic development opportunities. The City may exercise all powers reasonable and necessary for the fulfillment [fulfillment] of the objectives of the program, including, but not limited to, the adoption and

administration of a plan; the acquisition and disposition of property; the establishment and maintenance of a fund for the purpose of making financing available to the private sector; and the issuance of general obligation and revenue bonds. The program may be funded with the proceeds of general obligation or revenue bonds of the City, general or special funds of the City or other funds as specified in the ordinance establishing the program. Funds available under the program may be loaned, granted, pledged or otherwise made available to any person, business organization or other entity upon terms and conditions as specified by resolution of the City Council. Any real or personal property acquired by the City in connection with the program may be sold, leased or otherwise disposed of by the City by negotiated sale without public bidding or otherwise as specified by ordinance, upon terms and conditions and for the price as specified by resolution of the City Council. In addition, the City may continue to exercise any powers that previously existed, reasonable and necessary for the fulfillment of pertinent programs and those powers shall not be limited or diminished by the powers granted in these sections. (Res. No. CA-488, 8-30-88.)

## **ARTICLE IV**

### **The City Council**

#### Section 1.

The City Council shall be composed of the mayor and aldermen.

#### Section 2. General powers and duties.

(a) The City Council shall be the legislative body of the City of Annapolis vested with the power to enact laws. The City Council shall have the authority to enact all laws necessary or convenient for the exercise of the powers granted to the City of Annapolis for the proper functioning of the government of the City and for enforcement of these laws. Except as otherwise provided by the City Council, all laws adopted by the Council shall take effect upon the date of adoption.

(b) The powers and duties of the city council include the power and duty to conduct oversight of the expenditure of the public money and the delivery of municipal services.

(c) The City Council shall sit as the planning and zoning authority of the City, except for those functions delegated to the Board of Appeals, to the Planning and Zoning Commission or to the Planning and Zoning Director.

(d) The City Council shall perform such other functions as specified in this Charter or by ordinance, or as conferred upon local governing bodies by the laws of the State of Maryland. (Res. No. CA-5-94, 11-1-94; Res. No. CA-2-98, 6-30-98; Res. No. CA-03-10 Revised, 6-15-10.)



Section 2A. Limitation on conduct of aldermen.

Aldermen may not direct the work of a director or employee of a department. An alderman who violates this prohibition is guilty of misconduct in office and is subject to expulsion from office. This prohibition does not preclude an alderman from submitting an inquiry or request to a department director or employee of a department. Further, the aldermen shall have such administrative and professional staff and consulting services as may be provided for in the annual budget. (Res. No. CA-03-10 Revised, 6-15-10.)

Section 3.

The mayor shall be the chairman of the City Council and shall preside at all meetings.

Section 4. Meetings.

(a) The City Council shall meet regularly on the second Monday of each month except during the month of August and during the month of November in the year of a municipal general election.

(b) The Mayor may convene special meetings of the City Council at such times as he believes that the interests of the City so require.

(c) Upon the written request of five aldermen that the City Council be called into emergency session, the Mayor shall summon them to convene. At the emergency session the City Council shall consider only such action as is specified in the request for the emergency session.

(d) A majority of the City Council shall constitute a quorum to conduct business, but a smaller number may adjourn from day to day. (Res. No. CA-02-10, 8-3-10.)

Section 5.

The City Council, by ordinance, shall adopt rules governing its proceedings and may compel the attendance of absent members in such manner and under such penalties as may be provided by ordinance.

Section 6.

The City Council shall be the judge of the election and qualification of its members. The City Council, upon a finding that a member is disqualified or is guilty of disorderly behavior, misconduct in office, or crime of moral turpitude, may expel the member with the unanimous concurrence of the entire City Council, the member affected not being entitled to participate in the decision.

Section 7.

The City Council shall cause a journal to be kept containing the minutes of its proceedings. Upon the request of a member, the vote of each member upon any question, resolve, or ordinance shall be recorded.

Section 8.

All meetings of the City Council shall be open to the public, except such meetings as may be closed in accordance with the laws of the State of Maryland.

Section 9.

The City Council may establish, by ordinance, aldermanic committees to facilitate the exercise of its legislative and other powers.

Section 10.

The City Council may provide by ordinance for the summoning of such persons as it deems necessary before itself or any of its committees, or any boards, commissions, and committees of the City of Annapolis, and to compel the testimony of such persons and the production of documents on such matters as relate to the business of the City or in connection with any City officials or employees; for preserving order at the sessions of the City Council or any of its committees and for punishing by fine any violation of such ordinances pursuant to this Section.

## **ARTICLE V**

### **Mayor**

Section 1. Chief executive officer.

The mayor shall be the chief executive of the City. The primary responsibilities of the mayor are the formulation of policy and implementation of long range plans; the recommendation of implementing legislation; and the general supervision of the city's finances. The mayor shall be the immediate supervisor of the city manager. The mayor shall devote full time to the duties of the office. (Res. No. CA-03-10 Revised, 6-15-10.)

Section 2.

The mayor may take the acknowledgement of any deed or instrument; shall sign all ordinances, charter amendments, resolutions and instruments; shall cause to be prepared annually an audited statement of the finances of the City as of the end of the preceeding [preceding] fiscal year; may call upon any officer of the City entrusted with the receipt and expenditure of public money for a statement of the officer's account; shall advocate plans that address demands for municipal services, enhance the quality of life, and strengthen the economic vitality of the City;

shall be the principal representative of the City in official and ceremonial matters; shall develop and maintain intergovernmental relationships so as to ensure that the interests, goals and objectives of the City are fulfilled; shall supervise the City Administrator; shall report to the City Council annually on the state of the City, its finances and administrative activities; shall see that the actions of the City Council are duly and faithfully executed; and shall perform such other executive duties as may be prescribed by this charter or required by the ordinances and resolutions of the City Council not inconsistent with this charter or as may be necessarily implied from the powers and duties herein specified. (Res. No. CA-4-96, 4-1-96.)

**Section 3.**

The mayor shall designate in writing an alderman to serve as acting mayor and to perform the duties of the office during the mayor's absence from the City for longer than one day or during the mayor's temporary disability. If the mayor is disabled or absent from the City and has failed to designate an acting mayor, the City Council, at the call of any member, may meet and, by a majority vote, designate an alderman to serve as acting mayor. An acting mayor has the same rights, duties, powers and obligations as the mayor.

**Section 4. City Attorney.**

The Office of the Mayor shall include the general counsel for the City who shall be known as the City Attorney. The City Attorney shall be appointed on the basis of his knowledge of municipal law and administration, shall be a member in good standing of the Board [Bar] of Maryland, shall have been actively engaged in the practice of law in the State of Maryland for at least five (5) years, and shall not maintain a private practice except to the extent authorized by the City Council. (Res. No. CA-8-98, 2-2-99.)

**Section 5. City Clerk.**

The Office of the Mayor shall include the City Clerk who shall be appointed by the Mayor and shall have the duties and responsibilities as set forth in the Code. (Res. No. CA-8-98, 2-2-99.)

## **ARTICLE VI Operations**

**Section 1.**

Municipal services shall be delivered and the internal governmental operations performed by the departments enumerated in this Article, and by the commissions, boards and committees established pursuant to this Charter.

Section 2. Department Directors – Duties generally, appointment; removal; compensation.

A. Each department shall be administered by a director who shall be the appointing authority for that department, shall hire and terminate departmental staff; shall be responsible for the execution of the duties and responsibilities of the department; and shall perform such other functions as are delegated from time to time by this Charter, by ordinance, or by the mayor.

Each director shall be appointed by the city manager with the approval of the mayor and shall be confirmed by the City Council. In referring an appointee for confirmation, the city manager shall describe the manner in which the appointee fulfills the qualification for the position as enumerated in this Article and as may be established by ordinance not inconsistent therewith. A director may be removed from office by the city manager with the approval of the mayor. The compensation of each director shall be fixed by the city manager with the approval of the mayor according to the provisions of an executive pay plan adopted by ordinance.

B. Upon the occurrence of a vacancy in the directorship of a department, the city manager with the approval of the Mayor shall promptly designate a qualified person to serve as acting director. An acting director may exercise all the powers of the director and enjoy the immunity accorded to the director. An acting director shall receive such compensation as determined by the city manager with the approval of the Mayor. However, if a directorship remains vacant for six months, no compensation may be paid to an acting director without the express consent of the Council. If a directorship remains vacant for an additional period of six months or more, further compensation for an acting director must be approved by the Council at every six month interval. (CA-4-87, 5-3-88; CA-03-07, 1-15-08; Res. No. CA-03-10 Revised, 6-15-10.)

Section 2A.

Notwithstanding the provisions of Article VI, Section 2, and Article VIII, Section 2, a department director employed by the City on November 1, 1983, may elect to remain in the civil service system, provided such election is made on or before June 1, 1984. For department directors who elect to remain in the civil service system, the mayor shall be considered the appointing authority. This section shall stand repealed without further action at such time as no department director remains in the civil service system.

Section 2B. City manager.

(a) There shall be a city manager in the office of the mayor who shall be the chief administrative officer of the city. The city manager shall be the direct subordinate of the mayor and shall have supervisory authority over the department directors as provided for by the City's organizational chart that is prepared by the mayor and accepted by the City Council.

(b) The city manager shall be appointed by the mayor and confirmed by the city council based solely on his or her experience and credentials as a city manager. The city manager may be removed from office by the mayor or by the City Council. The city manager shall have

had, prior to appointment, an advanced degree in business or public administration from an accredited college or university and at least eight years' experience in local government management. The city manager shall be thoroughly familiar with contemporary budgeting and accounting practices.

(c) The city manager shall devote full time to the duties of the office.

(d) The compensation of the city manager shall be fixed by the mayor according to the provisions of an executive pay plan formulated by the Council Compensation Commission and adopted by ordinance. If the city manager is hired during an interim year, the mayor and council shall determine the compensation based upon the recommendations from the Finance Committee.

(e) The city manager shall have the following additional powers and duties:

(1) To administer the day-to-day operations of the municipal government and oversee the delivery of municipal services;

(2) To exercise supervisory authority over the department directors, as provided for by the City's organizational chart that is prepared by the mayor and accepted by the City Council;

(3) To direct the operations of the city government;

(4) To supervise the preparation of the city budget;

(5) To advise the mayor in the formation of policy and the implementation of plans to address demands for municipal services, enhance the quality of life and strengthen the economic vitality of the city;

(6) To perform such duties not inconsistent with this Charter as may be delegated by the mayor from time to time; and

(7) To adjust parking rates in City-owned parking garages and parking lots to the extent permitted, pursuant to 12.04.040 A.6. of the Code of the City of Annapolis. The City Manager may appoint a designee to determine any such adjustments to parking rates in City-owned parking garages and parking lots.

(f) In the event of a vacancy in the position of city manager, the Mayor shall promptly appoint a qualified person to serve as acting city manager. The acting city manager may exercise all the powers of the city manager and enjoys the same immunity accorded the city manager. The acting city manager shall receive such compensation as determined by the Mayor that is consistent with the executive pay plan. However, if the position of city manager remains vacant for more than six months, no compensation may be paid to an acting city manager without the approval of the Council at every six month interval. (Res. No. CA-4-96, 4-1-96;

Res. No. CA-3-03, 4-29-03; CA-03-07, 1-15-08; Res. No. CA-03-10 Revised, 6-15-10; Res. No. CA-5-11 Amended, 8-30-11.)

### Section 3.

(a) The Finance Department shall be administered by the Finance Director. The Director shall be appointed on the basis of his knowledge and experience in governmental accounting and budgeting and in public financial administration, of which three years shall have been in an executive or supervisory capacity.

(b) The Finance Department shall have the following powers and duties:

(1) To collect City taxes, fees, charges, and certain State and County taxes imposed in the City;

(2) To administer the financial affairs of the City, the receipt of all revenues, the custody of all funds and securities, the disbursement of all funds, and the keeping of all accounts;

(3) To assist in the formulation of budgets.

(4) To administer city purchasing services. (Res. No. CA-1-90, 10-30-90; Res. No. CA-05-10, 8-30-11.)

### Section 4. Fire Department. (See Note (5))

(a) The Fire Department shall be commanded and administered by a director who shall be known as the Fire Chief. The Fire Chief shall be appointed on the basis of his knowledge and experience in fire prevention and suppression, in emergency services, and in public safety and administration, at least three (3) years of which shall have been in an executive or supervisory capacity.

(b) The Fire Department shall have the following powers and duties:

(1) To provide fire suppression and emergency services.

(2) To engage in programs of fire prevention.

(3) To enforce laws related to fire prevention.

(4) To be responsible for emergency preparedness and risk management functions in the City of Annapolis. (Res. No. CA-4-12, 12-25-12).

Section 5. Department of Economic Affairs.

(a) The Department of Economic Affairs shall be administered by the Director of Economic Affairs.





(b) The Department of Economic Affairs shall have the powers and duties as set forth in the City Code. (Res. No. CA-8-98, 2-2-99; Res. No. CA-1-07, 1-15-08.)

Section 6.

(a) The Human Resources Department shall be administered by a Human Resources Director. The Human Resources Director shall be appointed on the basis of his knowledge and experience in public personnel administration of which at least three (3) years shall have been in an executive or supervisory capacity.

(b) The Human Resources Department shall have the following powers and duties:

(1) To administer a civil service system.

(2) To conduct investigations and examinations for appointment or promotion in the civil service.

(3) To administer certain other activities related to the payment, benefits, training, discipline and retirement of City officials and employees. (Res. No. CA-7-98, 12-29-98.)

Section 7.

(a) The planning and zoning department shall be administered by the planning and zoning director. The planning and zoning director shall be appointed on the basis of his knowledge and experience in the fields of comprehensive planning and of zoning regulations, of which at least three (3) years shall have been in an executive or supervisory position. The director shall have an advanced degree in planning.

(b) The planning and zoning department shall have the following powers and duties:

(1) To plan for the physical development, redevelopment, and growth of the city;

(2) To supervise the adoption or revision of a plan of general development;

(3) To prepare and administer a zoning map and zoning rules and regulations governing the use of land in the city;

(4) To regulate the occupancy and use of property;

(5) To administer programs of community development, economic development and housing rehabilitation;

(6) To exercise all other duties and powers delegable to a municipal planning staff under the laws of Maryland, except those planning powers as may be assigned to other departments by the city council. (Res. No. CA-7-03, 4-29-03.)

#### Section 8.

(a) The Police Department shall be commanded and administered by a director who shall be known as the Police Chief. The Police Chief shall be appointed on the basis of his knowledge and experience in the field of law enforcement and public safety administration which at least twelve years shall have been with a law enforcement agency, and at least two years of which having been in an executive or supervisory capacity. The Chief shall have a degree in law enforcement or public safety administration.

(b) The Police Department shall have the following powers and duties:

- (1) To preserve the public peace.
- (2) To engage in programs of crime prevention.
- (3) To apprehend individuals accused or suspected of committing crimes.
- (4) To protect the rights of persons and properties.
- (5) To establish and enforce policies, procedures, rules, and regulations related to the parking of motor vehicles, subject to the approval of the City Council.
- (6) To enforce the law. (Res. No. CA-6-98, 2-2-99.)

#### Section 9.

(a) The Department of Transportation shall be administered by the Director of Transportation. The Director of Transportation shall be appointed on the basis of his knowledge and experience in the field of public transportation, of which at least three years shall have been in an executive or supervisory position.

(b) The Department of Transportation shall have the following powers and duties:

- (1) To plan, develop and provide all public transportation services of the City.
- (2) To establish schedules and routes of all transportation services provided by the Department, subject to the requirements of the Maryland Public Service Commission law and subject to the approval of the City Council.
- (3) To establish rates and fares for all transportation services provided by the Department, subject to the requirements of the Maryland Public Service Commission law and subject to the approval of the City Council.

(4) To establish policies and procedures and rules and regulations for the conduct and operation of all transportation services provided by the Department, subject to the approval of the City Council.

(5) To collect and deposit with the Director of Finance, all revenues generated by the operation of any transportation services provided by the Department and any other funds received by the Department from any source whatsoever.

(6) To regulate the operation and maintenance of taxicabs and other public conveyances as designated by the City Council, and to regulate the owners and operators of all such conveyances. (Res. No. CA-3-95, 11-7-95; Res. No. CA-6-98, 2-2-99.)

Section 10.

(a) The department of public works shall be administered by the director of public works. The director of public works shall be appointed on the basis of his knowledge and experience in civil and sanitary engineering works of which at least five (5) years shall have been in an executive or supervisory capacity. The director shall have a degree in civil, mechanical or sanitary engineering and shall be a registered professional engineer in the State of Maryland or shall, at the time of appointment, be a registered professional engineer in another state of the United States and, within eighteen months of the date of appointment, become a registered professional engineer in the State of Maryland.

(b) The department of public works shall have the following powers and duties:

(1) To be responsible for surveys, reports, maps, drawings, specifications and estimates related to public works and utilities;

(2) To be the custodian of maps, plans and plats of public improvements;

(3) To construct or to administer contracts for the construction of capital projects;

(4) To construct and maintain roadways, bridges, storm drains and other public improvements;

(5) To construct, maintain and operate a water production and distribution system;

(6) To construct, maintain and operate a sanitary sewerage collection and disposal system;

(7) To operate a refuse collection and disposal system;

(8) To administer maintenance and oversight of all city offices, governmental buildings and city-owned or leased properties.

(9) To administer space management and planning.

(10) To maintain inventory records for real property, fixtures, and furniture. (Res. No. CA-1-87, 7-28-87; Res. No. CA-7-03, 4-29-03; Res. No. CA-05-10, 8-30-11.)

#### Section 11.

(a) The Department of Recreation and Parks shall be administered by the Director of Recreation and Parks. The Director shall be trained and experienced in theory and practice relating to recreational, leisure, youth and aging services, and the operation of recreational, community and parks facility [facilities].

(b) The Department of Recreation and Parks shall have the following powers and duties:

(1) To maintain, operate and control parks, athletic, community and recreational facilities and activities for the people of the City in general and youth and seniors of the City in particular, and to have charge and control of all such property and activities belonging to, or conducted by, the City;

(2) To charge and collect fees for admission, services and the use of facilities and rentals for the use of property controlled by the Department of Recreation and Parks; provided that no lease of such facilities shall be made for a period of more than thirty days, or for successive periods aggregating more than thirty days, without the prior approval of the City Council. All monies received from the collection of such fees and rentals shall be remitted by the Director, at least monthly, to the Director of Finance, who shall credit the remittances to the miscellaneous receipts of the City;

(3) To adopt and enforce rules and regulations for the management, use, government and preservation of order with respect to all land, property and activities under the control of the Department of Recreation and Parks.

#### Section 12. Repealed.

#### Section 13.

(a) The department of neighborhood and environmental programs shall be administered by the director of neighborhood and environmental programs. The director of neighborhood and environmental programs shall be appointed on the basis of his knowledge and experience of which at least five (5) years shall have been in an executive or supervisory capacity. The director shall have a degree in planning, earth sciences, public administration or a related area.

(b) The department of neighborhood and environmental programs shall have the following powers and duties:

- (1) To regulate the building and rebuilding of structures and other improvements.
- (2) To regulate the use of certain structures for housing.
- (3) To enforce activities impacting upon the environment, urban forestry, sewer pretreatment, critical areas and storm water management.
- (4) To enforce building and housing rules and regulations governing the improvement and use of land and structures in the city.
- (5) To enforce rules and regulations governing the use of land in the city.
- (6) To enforce rules and regulations governing environmental protection, urban forestry, sewer pretreatment and stormwater management in the city.
- (7) To enforce rules and regulations governing the licensing and operation of certain contractors doing business in the city.
- (8) To educate and inform the public concerning environmental protection, urban forestry, and related subjects.
- (9) To perform other duties and responsibilities, as set forth in the city code. (Res. No. CA-7-03, 4-29-03.)

Section 14.

The City of Annapolis shall have such boards, commissions and committees as shall be appropriate for the proper functioning of the government and for the efficient provision of municipal services. The designation of the body, the qualifications and terms of its members, the powers and duties of the body, and its placement in the organizational structure of the City shall be specified by ordinance. (Res. No. CA-1-90, 10-30-90, Res. No. CA-7-03, 4-29-03.)

Section 15.

The City of Annapolis may perform such other governmental services as it shall deem necessary by assigning functions to the Departments or by agreement with other governmental units, officials or private enterprise. (Res. No. CA-1-90, 10-30-90, Res. No. CA-7-03, 4-29-03.)

## ARTICLE VII

### Finances

#### Section 1.

Notwithstanding the exclusion from the jurisdiction of the City of Annapolis of all United States Government property included within the boundaries of the City, any buildings, structures or other improvements owned or acquired on any such property by any person or corporation, other than the United States of America, the State of Maryland, or any agency or subdivision of either, pursuant to any agreement, lease or other conveyance between or from the United States of America, or any agency thereof and such person or corporation, shall be subject to taxation by the City of Annapolis in the same manner and to the same extent as other property in the City is taxed, if it is determined that any such buildings or improvements are subject to taxation by Anne Arundel County, Maryland, and by the State of Maryland.

#### Section 2.

The annual tax levy shall be made by the City Council on or before the first day of July in each year. Taxes shall be due and payable not later than the 30th day of September following enactment of the ordinance imposing the tax rate. The City Council may provide by ordinance consistent with this Charter and with the Constitution and laws of Maryland for the levying and collection, without limitation, upon all property of any kind within the present or future limits of the City, assessable for taxation, of ad valorem taxes in rate and amount sufficient to provide the City with the funds necessary to meet its obligations and appropriations for the fiscal year in which such taxes are levied, and to provide by such ordinance for the levying and collection of any special taxes which the City may be authorized to levy by law. As of the first day of January succeeding such annual tax levy, the tax levy shall become operative also upon all newly constructed real property within the City which has been at least ninety percent completed on the preceeding [preceding] December 1, and one-half of the annual tax rate so established shall be applied to the assessed valuation of such new property, and the tax shall be due and payable on February 1 immediately following. All funds levied and collected pursuant to this Section shall be credited in the same manner as provided by the annual budget for the current year. The City Council may also provide by ordinance for interest on the taxes in such manner and upon such terms as it may deem expedient.

#### Section 3.

(a) To the extent and for the purposes permitted by the laws of Maryland, the City Council may enact ordinances to create special tax districts in limited and determinable areas for the purpose of financing the cost of acquisition and development of public improvements located in such areas. The procedures set forth in this Section shall be followed in creating such districts.

(b) The City Council may levy ad valorem taxes on real and personal property situated in any such special taxing district at an annual rate sufficient for the purpose of defraying part or all of the cost of acquisition and development of public improvements located

within the limits of such special taxing district. The City Council may exempt from the levy of the special tax hereby authorized, the following classes of properties:

- (1) Properties used for industrial purposes only.
- (2) Properties used for residential purposes only.
- (3) Properties furnishing off-street parking facilities equal to the requirements of any general zoning ordinance or off-street parking ordinance.

(c) The boundaries of all such special taxing districts shall be established by ordinance. At least fifteen days' notice in one or more newspapers of general circulation in Annapolis shall be given before the final passage of any such ordinance. The notice shall include a description of the boundaries of the special taxing district proposed and shall fix the time and place for a public hearing thereon.

(d) The special taxes authorized by this Section shall be levied and collected, have the same priority rights, bear the same interest and penalties and in every respect be treated in the same manner as property taxes levied by the City Council.

#### Section 4.

As soon as the annual tax levy has been made, the Finance Director shall prepare a bill of [for] each taxpayer and shall forward the bill by mail or otherwise or deliver the bill to the persons or corporation to whom the property included in such bill is assessed.

#### Section 5.

All property taxes shall be collected by the Finance Director within three years after the levy. If the taxes are not collected within three years, the parties from whom such taxes may be demanded may plead this section in bar of any recovery.

#### Section 6.

The City Council may provide by ordinance for inter-fund cash borrowings to meet temporary cash requirements and to permit reimbursement among funds for services rendered.

#### Section 7.

The City Council, whenever it seems expedient for the encouragement of the growth and development of manufacturers and manufacturing industry in the City, upon the application of any person or corporation actually engaged in the business of manufacturing in the City, may abate all taxes for any year which may hereafter be levied for City purposes by authority of the City Council, upon any mechanical tools or implements, whether worked by hand or steam, or other motive power or upon the machinery, manufacturing apparatus or engines owned by such industrial firm or corporation, and actually employed and used in the business of manufacturing

in the City, and which would be properly subject to valuation and taxation in the City. Such abatement of taxes in any year shall be extended to all persons and corporations engaged in the City, in the branch or branches of manufacturing industry proposed to be benefited by the provisions of this Section and so abated by the City Council for such years. Application for such abatement in any year shall be made and verified to the satisfaction of the City Council, by the oath of the party applying for the abatement and other satisfactory evidence before the annual revision and correction of the tax list in such year, and not afterwards. A record, open to public inspection, shall be kept of all such abatements made [made] by the City Council, and, in each year, shall be published in one or more newspapers published in the City. This section shall not be construed to authorize any abatement of taxes levied upon property which is properly assessable and taxable as real estate, nor shall be construed to authorize any abatement of taxes, as provided in this section for a longer period of one year, for which such application is made.

#### Section 8. Borrowing.

(a) The City of Annapolis may borrow upon its faith and credit for a period not to exceed one year such sum or sums from time to time as may be deemed necessary to provide for the payment of any obligations of the City. The aggregate principal amount of the sums borrowed outstanding and unpaid at any one time (i) shall not exceed ten million dollars (\$10,000,000.00) through June 30, 2014; and (ii) after July 1, 2014, shall not exceed eight million dollars (\$8,000,000.00) as adjusted annually thereafter for inflation based on the municipal cost index.

(b) The city may issue notes to secure repayment of the sums borrowed. The notes shall be signed by the mayor and duly attested. The seal of the City shall be affixed to each note. The attached interest coupons, if any, shall be authenticated by the facsimile signature of the mayor printed, engraved or lithographed on each coupon. Each note shall be dated and shall mature and be payable not later than twelve months from the date of the note.

(c) Each note shall be and remain an obligation of the City of Annapolis issued upon the full faith and credit of the City. The note shall be issued and sold in such manner and upon such terms and conditions and shall bear such rate of interest as the City Council may determine, but the aggregate principal amount of the note at any time outstanding and unpaid shall not exceed ten million dollars (\$10,000,000.00).

(d) For the purpose of repaying the sums borrowed, the notes issued in evidence thereof and the interest on the notes, the City Council shall levy a tax upon all the assessable property in the City in an amount sufficient to provide funds for the payment of all the sums when due and payable. (Res. No. CA-06-10, 6-22-10; Res. No. CA-07-10 Amended, 9-17-10; Res. No. CA-1-11 Amended, 4-5-11.)

#### Section 9.

The City Council may levy, by ordinance, a park and recreation tax, not exceeding five hundredths of one percent (0.05%) per annum, on each one hundred dollars (\$100.00) worth of assessable property subject to taxation by the City.



Section 10.

For the purpose of retirement of any debt, bonded or otherwise, or, to provide operating funds, the City may levy, by ordinance, a sewerage tax upon all assessable property subject to taxation by the City.

Section 11.

The City may borrow money for any proper public purpose and may evidence such borrowing by the issue and sale of its general obligation bonds, tax anticipation notes and other obligations in the manner prescribed by, and pursuant to the authority of, Sections 31 to 39, inclusive, of Article 23–A of the Annotated Code of Maryland, title “Corporations–Municipal,” subtitle “Home Rule,” subheading “Creation of Municipal Public Debt,” as enacted by Chapter 423 of the Laws of Maryland of 1955, and as the same may hereafter be amended, except that:

(a) The City shall issue no bonds for street improvements in the City pursuant to the foregoing authority until it shall have first exercised the authority conferred upon it by Chapter 658 of the Laws of Maryland of 1951;

(b) The City shall issue no bonds pursuant to the foregoing authority if, by the issuance thereof, the total bonded indebtedness of the City incurred pursuant to such authority, less the amount of sinking funds established for the retirement thereof, would then exceed ten (10) per centum of the assessed value of all real and personal property in the City taxable for municipal purposes, but, in computing compliance with this limitation, there shall not be taken into account:

(i) Bonds or other indebtedness of the City issued pursuant to the authority of any public local law enacted by the General Assembly of Maryland prior to January 1, 1955, or pursuant to the authority of any public general law other than said Sections 31 to 39, inclusive, enacted at any time by the General Assembly of Maryland,

(ii) Tax anticipation notes issued pursuant to the authority of said Sections 31 to 39, inclusive,

(iii) Revenue bonds payable as to principal and interest solely from the revenues of one or more revenue–producing projects (which revenue bonds shall not constitute an indebtedness of the City to which its faith and credit or taxing power are pledged), and

(iv) Short–term obligations of the City issued pursuant to the authority of Sections 70 to 73, inclusive, of this Charter;

(c) The City Council, in its discretion, may submit the question of the issuance by it of bonds pursuant to the foregoing authority to a referendum of the registered voters of the City at a special election duly called and held for the purpose pursuant to the authority of, and in the manner prescribed by, the public local laws of Anne Arundel County and ordinances of the City

applicable to the holding of special elections in the City, but the City Council shall not be required to submit any such issue of bonds to such a referendum unless, within ten (10) days after the passage of an ordinance or resolution authorizing any such issue of bonds, there is served upon the Mayor notice signed by not fewer than two hundred registered voters of the City advising that a petition for a referendum on such bond issue is being circulated by one or more of the persons signing the notice and unless, within twenty days after the delivery of such notice, there is filed with the Mayor a petition or petitions requesting the holding of such a referendum signed by not fewer than twenty-five per centum of the registered voters of the City. Each person signing the petition shall insert opposite his signature his residence address. Upon the filing of any such notice or petition, the Mayor shall promptly submit the same to the board of supervisors of elections of the City for the purpose of determining whether said notice or petition has been properly signed as herein provided and the decision of the board on that subject, which shall be made promptly, shall be final; and

(d) Any notes or bonds issued by the City may be sold at private sale without advertisement or publication or notice of sale or solicitation of competitive bids, if the ordinance or ordinances authorizing the issuance of such notes or bonds shall so provide.

The City may also borrow money in anticipation of the issuance of its bonds and evidence such borrowing by the issuance and sale of its bond anticipation notes, payable as to principal and interest from (i) the first proceeds of the bonds in anticipation of the sale of which such notes are issued or (ii) from the tax or other revenue which the City Council shall have previously determined to apply to the payment of such bonds and the interest thereon; provided, however, that twelve (12) months' interest on such notes, or any renewal thereof, may be paid from the proceeds of the sale of such notes. The procedure for the issuance of bond anticipation notes shall be as prescribed hereinabove in this section for general obligation bonds, tax anticipation notes and other obligations.

## ARTICLE VIII

### Personnel

#### Section 1.

The City Council shall provide, by ordinance, for a civil service system for employees of the City. The system shall include a classification and pay plan for all positions; provisions relating to promotion, probation, tenure, prohibited practices and disciplinary action; and a procedure for promulgation of rules and regulations governing personnel matters.

#### Section 2.

All officials and employees of the City shall be included in the civil service except:

- (1) The mayor;
- (2) The aldermen;

- (3) The department directors and the health officer;
- (4) All persons employed by contract;
- (5) All persons performing part time, temporary or seasonal work;
- (6) All persons whose positions are funded by a source other than the City unless otherwise included for a period to [of] time fixed by resolution of the City Council;
- (7) Members of boards, commissions and committees;
- (8) The city administrator; and
- (8) [(9)] All exempt service positions as established from time to time in Chapter 3.08 of the Annapolis City Code. (Res. No. CA-4-87, 5-3-88; Res. No. CA-4-94, 8-9-94; Res. CA-1-97, 9-2-97.)

### Section 3.

The director of each department shall be the appointing authority for each employee in that department. The selection to fill a position in the civil service shall be from among the applicants certified as eligible for the position by the Personnel Director.

### Section 4.

(a) The City may provide retirement pensions for employees and officers whose compensation is paid by the City and may establish and maintain a general City retirement or pension system for such employees and officers. The City may:

(1) Employ such person or persons as it deems necessary to investigate the provision of such pensions, and to prepare, establish, maintain and administer a system which will operate on a sound actuarial basis;

(2) Prescribe classifications and conditions of admission or exclusion from any system adopted, and provide for a general system of allowances, benefits and payments to the members of such system, or in the case of their death, to the dependents, and prescribe all rules and regulations necessary or advisable for the operation of such system;

(3) Appropriate and expend such sums as may be necessary to pay for all salaries, expenses, contributions and charges arising out of the exercise of the powers herein conferred.

(b) The City may also provide for the inclusion of any or all such employees and officers within the operation of any federal, State or other pension or retirement system under the terms of which such employees are admissible.

Section 5.

Upon application to the City Council, any employee of the City of Annapolis who retires and who receives by reason of prior City employment any retirement allowance under the provisions of Article 73B of the Annotated Code of Maryland shall be paid an additional sum by the City of Annapolis that, when added to whatever sum any such person is receiving from the Employees' Retirement System of the State of Maryland, shall be equivalent to 2% of the person's annual salary, as of the date of his retirement, for each year of continuous service, or fraction thereof. The supplement payment thus allowed shall in no case exceed \$250.00 per month. The City Council shall annually levy an amount sufficient to pay such additional allowance as established under this Section. The provisions of this Section shall not apply unless the employee has been employed by the City for a period of not less than ten (10) years and has been a participant in the Employees' Retirement System of the State of Maryland continuously during such period of employment. The provisions of this Section shall also not apply to those persons who are recipients of supplemental payments from the City prior to the effective date of this amendment but that the previously retired persons who are receiving supplemental payments prior to the adoption of this resolution shall continue to receive the additional allowance as provided by section 30-A of the Charter of the City of Annapolis which was in effect just prior to the effective date of CA-2-72 Charter amendment. Provided further, that any employee retiring on or after January 1, 1972 shall be entitled to the benefits herein recited. The provisions of Section 29 of Article 73B of the Annotated Code of Maryland shall not apply or govern this Section.

Section 6.

The City Council may provide, by resolution, for the payment of a pension or allowance to the unmarried spouse of a deceased employee of the City in an amount and manner deemed appropriate in consideration of the services to this City performed by the employee. The spouse of a deceased employee shall not be entitled to the pension or allowance if the option to provide for a survivor's pension or allowance through a State of Maryland or City retirement system was available to the employee, except that this restriction shall not apply to spouses already receiving such pension or allowance.

## **ARTICLE IX**

### **Miscellaneous Provisions**

Section 1.

The mayor shall qualify by taking and subscribing to the oath of office prescribed by this section and by the Constitution of the State of Maryland before the Clerk of the Circuit Court for Anne Arundel County. Each alderman and alderwoman, each other officer and each member of a commission, board or committee, before entering upon the duties of the respective office, shall take and subscribe before the mayor the following oath or affirmation: "I, \_\_\_\_\_, do swear (or affirm, as the case may be), that I will support the Constitution of the United States;

and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of \_\_\_\_\_, according to the Constitution and Laws of this State.” (Res. No. CA-3-11 Amended, 2-1-12.)

#### Section 2.

Property belonging to the City is exempt from any tax levied by Anne Arundel County, Maryland.

#### Section 3.

No ordinance shall impose a fine of more than one thousand dollars (\$1,000.00) or more than six (6) months in jail, or both, in the discretion of the City Council. (CA-4-85, 10-29-85.)

#### Section 4.

To the fullest extent permitted by the Laws of Maryland, the City Council may provide that violations of some, or all of the ordinances of the City are municipal infractions, and may further provide for the imposition of fines for violations of ordinances classified as municipal infractions and for the administration of a municipal infraction system.

#### Section 5.

All fines, penalties and forfeitures for violation of any ordinance of the City may be recovered by an action in any court of competent jurisdiction.

#### Section 6.

(a) The City Council shall provide for the codification or recodification of the ordinances of the City no less than once every ten years, in permanently bound or looseleaf form.

(b) Any such codification or recodification may be adopted by reference by a single ordinance, without further publication of such codification or recodification or any portions thereof. The ordinance adopting such codification or recodification shall comply with all laws of Maryland and any provision of this Charter as to adoption of ordinances.

(c) Supplements for any such codification or recodification shall be prepared no less than annually at the direction of the City Council either as a unit or on a replacement page basis; provided, that where replacement pages are prepared, a distinguishing mark or notation shall be placed on each replacement page to distinguish it from original pages and pages of other supplements. No further adoption procedure shall be required for a supplement in which no substantive change is made in ordinances validly adopted by the City Council. If changes, alterations, amendments, deletions or additions of a substantive nature are made in any such supplement, then such supplement shall be adopted by the City Council in the same manner provided in this section for the adoption of codifications and recodifications.

(d) At least one copy of any codification or recodification adopted hereunder and at least one copy of every supplement thereto shall be kept in the Office of Law and shall be available for inspection during normal business hours.

#### Section 7.

The public lands and buildings in the City belonging to the State of Maryland, or to Anne Arundel County, Maryland are reserved and continued forever to the uses of the State and County, respectively, the City being the State capital and the County seat. The judges of the several courts which have usually held their sessions in the City, in the public court houses thereof, shall and may continue to do so. The officers of the court shall hold and exercise their jurisdiction in as full and ample manner as provided by law. Anne Arundel County, Maryland shall exercise its powers within the City of Annapolis consistent with the Charter and laws of the City.

#### Section 8.

Such offices and employees as shall be specified by ordinance shall be bonded for the faithful performance of their duties in such penalties and form as shall be fixed by ordinance.

#### Section 9. Liability — Public Property.

(a) For purposes of this section, “public property” means all streets, avenues, roads, public thoroughfares, highways, lanes, alleys, sidewalks, curbs, bridges, bulkheads, wharves, piers, docks, or other public rights of way owned, leased, maintained, established, constructed, improved, or repaired by the City of Annapolis.

(b) The City of Annapolis, and in their capacity as such, the officers, employees and agents of the City shall not be liable in tort nor for damages of any kind for personal injury or property damage arising from or occasioned, in part or in whole, by: (i) the condition of any public property; (ii) any defect in any public property; (iii) acts or omissions by the City, or in their capacity as such, the officers, employees or agents of the City, in the construction, maintenance or repair of any public property; or (iv) the accumulation of ice, snow, standing water or debris on any public property unless:

(1) Not sooner than three days prior to the date of the occurrence resulting in the personal injury or property damage, the Mayor or the Director of Public Works shall have received written notice of the specific condition, defect, act or omission, or accumulation alleged to have caused or contributed to the occurrence, injury or damage; and

(2) After receipt of such written notice, the Mayor and the Director of Public Works shall have failed to act with reasonable diligence to correct the condition, defect, act or omission, or accumulation described in the written notice. For purposes of this subparagraph, reasonable diligence shall include but shall not be limited to a request by the Mayor or the Director of Public Works to any City Officer, employee or agent, to inspect and if necessary to

correct the condition, defect, act or omission, or accumulation described in the written notice; and

(3) In addition to such other notice as may be required by federal, State or local law, the person injured or incurring property damage, or someone on their behalf, shall have given the City attorney written notice of such injury or damage within thirty days after the occurrence resulting in the injury or damage stating in such notice:

- (A) A factual description of the occurrence;
- (B) The date, time and location of the occurrence;
- (C) The names and addresses of all witnesses to the occurrence;
- (D) A complete description of all injuries and damage suffered as a result thereof.

(c) In no event shall the City of Annapolis, and in their capacity as such, the officers, employees and agents of the City be liable in damages for such personal injuries or property damage beyond the limits imposed by federal, State and local law including but not limited to the limits imposed by Maryland Courts and Judicial Proceedings Article, Title 5, Subtitles 3 and 4, or their successors.

(d) The requirements of this section are in addition to all other procedures, conditions, limitations, requirements, and restrictions existing under federal, State and local law.

(e) This section shall not be construed to limit or to waive any common law or statutory defense or immunity in existence as of November 1, 1994. (Res. No. CA-2-94, 11-1-94.)

#### Section 10. Charter Revision Commission.

In January following the year in which the decennial census of the population of the United States is conducted, the city council by resolution shall appoint a commission for the purpose of making a comprehensive study of the government of the city. The commission shall be composed of at least five but no more than nine residents of the city. Other findings and recommendations together with drafts of revisions to the Charter and City Code shall be submitted no later than six (6) months after its appointment. Any standing committee to which the commission's report is referred shall act upon the report in full within six (6) months of the date upon which the report is introduced to the city council. The City Council shall appropriate sufficient funds for the Commission to fulfill its duties and responsibilities. (Res. No. CA-8-96, 3-4-97; Res. No. CA-5-03, 4-29-03.)

**ARTICLE X**  
**The Annapolis Revenue Authority**  
**Repealed**

(See Note (3))



# APPENDIX I

## Urban Renewal Authority For Slum Clearance

(See Note (2))

### Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” shall mean any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted Area” shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban Renewal Project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include —
  - (1) acquisition of a slum area or a blighted area or portion thereof;
  - (2) demolition and removal of buildings and improvements;
  - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this appendix in accordance with the urban renewal plan;
  - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at itself, at its fair value for uses in accordance with the urban renewal plan;
  - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
  - (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate

obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) the preservation, improvement or embellishment of historic structures or monuments.

(f) “Urban Renewal Area” shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

(h) “Bonds” shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” shall mean the Mayor and Aldermen of the City of Annapolis, a municipal corporation of this State.

#### Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the

power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(1) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

(2) to prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

(3) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds.

(4) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(5) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreement with other public bodies or agencies (which agreements may extend over any period, notwithstanding any provisions or rule of law to the contrary), and to include in any contract for financial assistance with the Federal Government for or with respect to an urban renewal project and related activities such conditions imposes pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(6) to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) to plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; and to make exceptions from building regulations;

(8) to generally organize, coordinate and direct the administration of the provisions of this appendix as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved;

(9) to exercise all or any part or combination of powers herein granted.

#### Section A1-103. Establishment of Urban Renewal Agency.

The municipality may itself exercise all the powers granted by this appendix or may, if by ordinance adopted by two-thirds vote of the mayor and aldermen it determines such action to be in the public interest, elect to have such powers exercised by a separate body politic and corporate, which shall be known and styled as the Annapolis Urban Renewal Authority, as hereinafter provided. In the event said legislative body makes such determination, it shall proceed to establish such a separate body politic and corporate to undertake in the municipality and activities authorized by this appendix. Such ordinance shall include provisions establishing the number of members of such a separate body politic and corporate, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of such a separate body politic and corporate as may be necessary.

At any time after the original adoption of an ordinance by the legislative body establishing such a separate body politic and corporate, the municipality, by an ordinance adopted by a two-thirds vote of the mayor and aldermen, if it determines the action to be in the public interest, may modify, amend, restrict, expand, revoke, rescind, or terminate any or all of the powers which it had theretofore granted to any such separate body politic and corporate pursuant to the provisions of this appendix, and the municipality, by an ordinance adopted by a two-thirds vote of the mayor and aldermen, if it determines the action to be in the public interest, may terminate or abolish any such separate body politic and corporate theretofore established by it pursuant to the provisions of this appendix, and transfer the powers granted by it to any such separate body politic and corporate to any department or departments of the municipality itself or it may reexercise all of the powers itself.

In the event the legislative body enacts an ordinance, pursuant to the provisions of this appendix, establishing such a separate body politic and corporate, all of the powers by this appendix granted to the municipality shall, from the effective date of said ordinance, be vested in

such a separate body politic and corporate thereby established, except any powers specifically reserved by the municipality unto itself as set forth in any such ordinance and, in any event:

(1) The power to pass a resolution to initiate an urban renewal project pursuant to Section A1–104 of the Charter of the City of Annapolis;

(2) The power to issue general obligation bonds pursuant to Section A1–109 of the Charter of the City of Annapolis;

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1–102(3) of the Charter of the City of Annapolis.

Section A1–104. Initiation of Project.

In order to initiate an urban renewal project, the mayor and aldermen by a two-thirds vote shall adopt a resolution which

(1) finds that one or more slum or blighted areas exist in such municipality;

(2) locates and defines the said slum or blighted areas;

(3) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

Section A1–105. Preparation and Approval of Plan for Urban Renewal Project.

(a) (1) The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of

the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(2) No original urban renewal plan shall take effect until thirty days after the completion of the procedure set forth in Section A1-105(a)(1) of this appendix. If during such thirty day period a petition is presented to the mayor and aldermen signed by ten percent of the qualified voters of the City of Annapolis requesting a referendum of the original urban renewal plan, then it shall be the duty of the mayor and aldermen to submit the plan, for approval or rejection, to the qualified voters of said city. The mayor and aldermen shall have the power to call a special election for such purpose of [to] submit the same to the qualified voters at a general election provided in either event that the question be so submitted within six months of the expiration of the aforesaid thirty day period. The mayor and aldermen are further empowered to do all things necessary in connection with said election, including but not limited to, fixing the time the polls shall be open, designating officials, providing ballots and all other things necessary or proper for the conduct of the election. Any original urban renewal plan so subjected to referendum shall take effect upon receiving a majority of votes cast at the election as aforesaid and not otherwise. The hours of opening and closing the polls at any election held under this provision shall be the same as the hours for polling places at primary and general elections in Anne Arundel County.

(b) An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality, as in the case of an original plan.

(c) Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

#### Section A1-106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality

may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specified period of not less than sixty days after the first date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of sub-section (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchaser, lessees or transferees of such property is concerned.

Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the Real Property Article of the Code.

Section A1-108. Encouragement of Private Enterprise.

The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this appendix.

Section A1-109. General Obligation Bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality upon a two-thirds vote of the mayor and aldermen may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section A1-110. Revenue Bonds.

(a) In addition to the authority conferred by Section A1-109 of this appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the



provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland (1957 Edition, as amended). Bonds issued under the provisions of this Article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provisions of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under the appendix or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this appendix.

(g) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds

belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Governemnt [Government] and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section A1-111. Separability.

If any provision of this appendix, or the application thereof to any person or circumstances, is held invalid, the remainder of the appendix and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this appendix shall be in addition and supplemental to the powers conferred by any other law.

Section A1-112. Short Title.

This Act shall be known and may be cited as the Annapolis Urban Renewal Authority for Slum Clearance Act.

Section A1-113. Authority to Amend or Repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

## NOTES

(1) Resolution No. CA-1-95, effective June 27, 1995, added Article X. The Annapolis Revenue Authority.

(2) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the City of Annapolis in Chapter 755 of the Acts of the General Assembly of 1961. Further changes to this power were made by Chapter 843 of the Acts of the General Assembly of 1976.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the City of Annapolis appear as this appendix in accordance with 80 *Opinions of the Attorney General* \_\_\_\_\_ (1995) [Opinion No. 95-037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

(3) Resolution No. CA-5-98, effective December 29, 1998, repealed in its entirety Article X. The Annapolis Revenue Authority.

(4) Resolution No. CA-3-10 Revised, effective June 15, 2010, added a new section 3 to Article I. However, the resolution failed to provide for the renumbering of the existing sections 3 and 4 of Article I. According to the City of Annapolis Office of Law, it was the intent of the City of Annapolis that the existing sections 3 and 4 of Article I be renumbered to be sections 4 and 5 of Article I, respectively. Those corresponding changes have been made to this charter.

(5) Resolution No. CA-4-12, effective December 25, 2012, amended Section 4 of Article VI. Operations, instead of Article IV as shown in the bill.